

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiff,

-v-

No. 11-CV-5845-LTS

CITY OF NEW YORK et al.,

Defendants.

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ORDER

The Court has reviewed the Special Report of the Nunez Independent Monitor (Docket Entry no. 533) and the Plaintiffs' letter request for a conference (Docket Entry no. 534). The Special Report details five disturbing incidents involving harm to incarcerated persons that have occurred since the April 27, 2023, status conference. These incidents have highlighted dangerous conditions and unsafe practices, as well as grave concerns related to transparency and the reporting of information to the Monitoring Team. To ensure that these serious issues are addressed appropriately and expeditiously:

- Defendants shall provide the Monitoring Team with a status report by **June 5, 2023, at 12:00 p.m.** The report shall contain "any outstanding information . . . regarding Incidents # 1 to #5 outlined in the [Special Report]" (Docket Entry no. 533 at 20) and, consistent with Consent Judgment section XIX, paragraph 8, the information enumerated in Plaintiffs' May 26, 2023, letter (Docket Entry no. 534 at 1-2) for each of the five incidents, including:
 - Meaningful details—including date, time, and location—relevant to the incident;
 - Records relevant to determining the details of each incident, including applicable video of the incident and documentation of the medical assessment and/or treatment of each individual who was harmed in the incident;

- An explanation of why the City did not appropriately document the incident as it occurred;
- A full report of the relevant investigation and corrective action taken; and
- A full description of the plan to remediate each incident and any progress in the implementation of such plan.
- The Monitoring Team shall file a status report by **June 8, 2023**. The status report shall review any additional information Defendants have provided on the incidents and/or conditions detailed in the Special Report and remedial steps taken, as well as any further recommendations the Monitoring Team has developed to address and/or remediate the concerns identified in the Special Report.

A conference is hereby scheduled to occur as a **video conference** using the Microsoft Teams platform on **June 13, 2023**, at **9:30 a.m.** The Commissioner shall attend the conference.

To optimize the quality of the video feed, only the Court, the Commissioner, two representatives of the Monitoring Team, and one representative each of defense counsel, plaintiffs' counsel, and counsel for the Government, will appear by video for the proceeding; all others will participate by telephone. The video and telephonic Teams participants **are hereby directed to email SwainNYSDcorresp@nysd.uscourts.gov** their contact information **48 hours in advance of the hearing**. Chambers will then email the representative parties with further information on how to access the video call and, if requested, a telephone number that may be used by additional representatives who wish to participate by audio only. Those participating by video will be provided a link to be pasted into their browser. **The link** should be used **only** at the time of the hearing. To optimize use of the video conference technology, all those participating by video should:

1. Log in from a quiet, stationary, non-public location, in order to minimize background noise and potential service interruptions.
2. Use the most recent version of Firefox, Chrome, or Safari as the web browser. Do **not** use Internet Explorer.

3. Use hard-wired internet or WiFi. If using WiFi, the device should be positioned as close to the Wi-Fi router as possible to ensure a strong signal. (Weak signals may cause delays or dropped feeds.)
4. Identify themselves every time they speak, spell any proper names for the court reporter, and take care not to interrupt or speak over one another.

Other co-counsel, members of the press, and the public may access the audio feed of the hearing by calling **888-363-4734** and using access code **1527005#** and security code **4999#**. All of those accessing the hearing—whether in listen-only mode or otherwise—are reminded that recording or rebroadcasting of the proceeding is prohibited. See Standing Order M-10-468, No. 21-MC-45 (S.D.N.Y. Jan. 19, 2021). Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.

This Order resolves Docket Entry no. 534.

SO ORDERED.

Dated: May 31, 2023
New York New York

/s/ Laura Taylor Swain
Laura Taylor Swain
Chief United States District Judge